

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TYRONE M. MORGAN,

Petitioner,

-vs-

Case No. 8:23-cv-926-WFJ-SPF

SECRETARY, DEPARTMENT
OF CORRECTIONS,

Respondent.

ORDER

Before the Court is Mr. Morgan's Motion for Rehearing (Doc. 4) which the Court construes as a motion to alter or amend pursuant to Rule 59(e), Fed.R.Civ.P. "The only grounds for granting [a Rule 59] motion are newly discovered evidence or manifest errors of law or fact." *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007). Mr. Morgan neither presents newly discovered evidence nor demonstrates the Court committed a manifest error of law or fact in construing his Rule 60(b) motion (Doc. 1) as a petition for the writ of habeas corpus under 28 U.S.C. § 2254 and dismissing it as an unauthorized successive petition. A Rule 60(b) motion was not the appropriate vehicle to challenge the state conviction. *See, e.g., Jones v. Carr*, 2018 WL 3478896, at *2 (M.D. Ga. July 19, 2018) ("Rule 60 of the Federal Rules of Civil Procedure does not provide relief from state court criminal judgments and is not the appropriate vehicle for challenging Petitioner's state court conviction."). Thus, the construed Rule 59(e) motion is **DENIED**.

ORDERED in Tampa, Florida, on June 6, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

Copy furnished to: Tyrone M. Morgan, *pro se*